

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.748 of 2018

DATE OF DECISION: APRIL 10, 2019

BALKAR SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. S.S. BEHL, ADVOCATE FOR THE PETITIONER.
MR. ANMOL MALIK, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

The petitioner has preferred this revision petition challenging the judgement dated 24.01.2018 passed by the Addl. Sessions Judge, Ambala, whereby the judgement of conviction dated 19.5.2015 passed by the Judicial Magistrate 1st Class, Ambala under Section 193 IPC in case FIR No.329 of 5.7.2013 registered at Police Station Ambala City, District Ambala was affirmed, however, the order of sentence dated 21.5.2015 was modified by reducing the imprisonment of R.I. for 2 years to R.I. for 1 year. The fine and default clause was maintained.

Briefly, the facts of the case are that on 5.7.2013, on a statement made by Sh. Ajaib Singh, attached to the Court of Sh. Vivek Yadav, Principal Magistrate, Juvenile Justice Board, Ambala against accused Balkar Singh who stood surety with false affidavit to the effect that he never stood surety in any other criminal case in any Court of law, whereas he stood surety in FIR No.62 of 26.4.2013 under Section 429 IPC and Sections 3, 4-B and 8 of Cow Slaughter Act and Section 11 of P.C.A. Act, Police

Station Saha, Ambala and in FIR No.259 of 6.6.2013 under Sections 406, 498-A and 506 IPC registered at Police Station Ambala City, the present FIR No.329 of 5.7.2013, under Sections 193, 199 and 420 IPC was registered at Police Station Ambala City, District Ambala.

Investigation was carried out. The accused was arrested and after completion of necessary investigation, challan was presented and the accused was charge-sheeted for the offences under Section 420 and 193 of IPC.

Statement of the accused-petitioner was recorded under Section 313 Cr.P.C. wherein he pleaded not guilty and claimed trial.

The learned trial Court after examining the evidence on record and relying upon the testimony of the prosecution witnesses held the accused guilty and convicted him for the offence punishable under Section 193 IPC and sentenced him to undergo R.I. for 2 years and to pay a fine of ₹2000/- and in default of payment of fine, to undergo a further period of S.I. for 1 month.

Against the aforesaid conviction and sentenced, the petitioner preferred an appeal before the Addl. Sessions Judge, Ambala who while maintaining the conviction of the petitioner, modified the sentence to 1 year R.I. alongwith fine.

Learned counsel appearing on behalf of the petitioner has contended that he does not press his challenge to the conviction of the petitioner and restricts his prayer only to the reduction of sentence awarded to him.

Learned counsel for the petitioner contends that the petitioner is physically handicapped and has undergone 3 months and 3 days out of the awarded sentence of 1 year rigorous imprisonment. It is further submitted that no other case is pending against the petitioner. Learned counsel further submits that the petitioner is the sole bread-winner of his family. Learned counsel prays that keeping in view the nature of offence committed, the physical disability and the fact that the petitioner is the lone bread-winner of his family, some leniency may be shown towards him and the sentence of the petitioner may be reduced to the one already undergone by him.

Learned State counsel, on the other hand, has opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner has made an offence against the Court itself.

Considering the submissions of the learned counsel for the petitioner, this Court is of the opinion that as the offence pertains to the year 2013; the petitioner is physically handicapped; and is the sole bread winner of the family, therefore, ends of justice would be met, if the sentence of the petitioner is modified to the one already undergone by him.

In view of the above, while upholding the conviction of the petitioner under Section 193 IPC, the sentence of R.I. 1 year alongwith fine awarded to the petitioner by the appellate Court is reduced to the one already undergone by him. However, the fine and default clause shall remain intact.

The petitioner is on bail. His bail bonds and surety bonds shall stand discharged.

With the above modification in sentence part alone, in the impugned judgement dated 24.01.2018 passed by the Addl. Sessions Judge, Ambala, in case FIR No.329 of 5.7.2013 registered at Police Station Ambala City, District Ambala, the revision petition stands disposed off.

April 10, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No